

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15
NSC-05 /056 W

-----098834 130551Z /20

R 121245Z APR 78

FM AMEMBASSY ROME

TO SECSTATE WASHDC 2028

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E.O. 11652: NA

TAGS: EAIR, IT

SUBJECT: CIVAIR: GOI ACCEPTS FINAL SUMMER SEASON SCHEDULE WITH
QUALIFICATION

REF: (A) STATE 520504; (B) STATE 24252; (C) ROME 4102

1. EMBASSY RECEIVED ON APRIL 11 MFA NOTE VERBALE 079/6064 DATED
APRIL 4 TRANSLATION OF WHICH IS PROVIDED IN PARA 2.

2. BEGIN TEXT. THE MINISTRY OF FOREIGN AFFAIRS, REFERRING TO THE
UNITED STATES EMBASSY'S NOTE VERBALE NO. 118 OF MARCH 2, 1978 CON-
CERNING SCHEDULED SERVICES OF THE U.S. CARRIERS DURING THE 1978
SUMMER SEASON, HAS THE HONOR OF CONVEYING THAT THE RESPONSIBLE
ITALIAN AUTHORITIES HAVE APPROVED THE SAME AS PRESENTED IN THE
PROGRAMS ENCLOSED WITH THE EMBASSY'S NOTES VERBALE NUMBERS 60 OF
JANUARY 31, 1978 AND 127 OF MARCH 9, 1978. NEVERTHELESS, ON THE FIFTH
FREEDOM SECTORS BEYOND ROME TO AND FROM ISTANBUL-DAMASCUS-
TEHERAN-KARACHI AND BOMBAY OF PAN AMERICAN (PA 110/111) IN THE
JULY 1 AND OCTOBER 28 1978 PERIOD, ALTHOUGH THE USE OF B 747
AIRCRAFT IS APPROVED, THE USABLE CAPACITY ON SAID FIFTH FREEDOM
SECTORS IS LIMITED TO THE SAME LEVELS AS OPERATED IN THE 1977
SUMMER SEASON, THAT IS, TO THE CAPACITY OF THE B 707 AIRCRAFT USED
DURING THE SUMMER OF 1977. THE FOREGOING IS BECAUSE ART. 5 OF
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PARAGRAPH F (SIC) OF THE CURRENT ITALO-U.S. MEMORANDUM OF UNDER-
STANDING PROVIDES FOR THE FREEZING OF CAPACITY AT THE SAME LEVELS AS
OPERATED IN THE PRECEDING SEASON. ALSO, APPROOF OF ALL-CARGO
SERVICES OF SEABOARD IS GRANTED FOR ITS PROGRAM IN THE SAME
TERMS AS IN PRECEDING COMMUNICATIONS WHICH DO NOT CONSENT TO CHANGE OF
AIRCRAFT FROM B 747F TO DC 8 AT FRANKFURT. THE EMBASSY IS ASKED
TO NOTIFY PAN AMERICAN OF THE NECESSITY THAT SCHEDULED

AIRLINE SCHEDULES, IN CONFORMITY WITH THE CITED MEMORANDUM OF UNDERSTANDING, BE PRESENTED IN ACCORDANCE WITH IATA SEASONS. (COURTESY CLOSE). END TEXT.

3. FOR EMBASSY'S NOTE 118 SEE REF (A). EMBASSY'S NOTE 60 IN FINAL SUMMER SCHEDULE FILING IN ACCORDANCE WITH REF (B). FOR SUBSTANCE OF EMBASSY'S NOTE 127 SEE REF (C).

4. ROME PAN AM MANAGER TOLD EMBOFF HE INTERPRETS MFA NOTE TO MEAN THAT PAN AM IS LIMITED TO B 707 CAPACITY WITH RESPECT TO FIFTH FREEDOM TRAFFIC ONLY, I.E. PASSENGERS TICKETED IN ROME FOR EAST OF ROME POINTS AND PASSENGERS TICKETED AT POINTS EAST OF ROME WHO ARE DESTINED FOR ROME. EMBOFF REPLIED THAT WHILE THIS INTERPRETATION ACCORDS WITH HIS UNDERSTANDING OF CORRECT DEFINITION OF FIFTH FREEDOM RIGHTS AND WHILE GOI AUTHORITIES MIGHT WELL CONSCIOUSLY OR UNCONSCIOUSLY GO ALONG WITH IMPLEMENTATION OF THAT INTERPRETATION, HE NEVERTHELESS POINTED OUT THAT MFA NOTE SEEMS TO REFER TO PAN AM SERVICES EAST OF ROME AS FIFTH FREEDOM SEGMENTS AS THOUGH ALL PASSENGERS CARRIED BEYOND ROME STOP MIGHT BE CONSIDERED FIFTH FREEDOM TRAFFIC. PAN AM MANAGER ALSO GAVE EMBOFF COPY OF TELEX FROM CIVILAVIA TO MFA (AND TO U. . AIRLINES FOR THEIR INFORMATION) THAT PROVIDES TEXT OF CIVILAVIA DECISION WHICH APPEARS TO BE BASIS FOR MFA NOTE. CIVILAVIA TELEX IS SLIGHTLY MORE SUSCEPTIBLE THAN IS NOTE TO INTERPRETATION THAT ITALIAN AUTHORITIES ARE TRYING TO LIMIT ONLY FIFTH FREEDOM CAPACITY BEYOND ROME AND NOT TOTAL CAPACITY BEYOND ROME. FOR THOSE WHO WOULD LIKE TO EXAMINE PERTINENT LIMITED OFFICIAL USE

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PORTIONS OF TWO TEXTS IN ITALIAN THEY ARE PROVIDED IN PARAS 5 AND 6.

5. BEGIN TEXT. SECOND PARA OF CIVILAVIA TELEX) SI FA TUTTAVIA PRESENTE CHE SUI PERCORSI IN QUINTA LIBERTA' OLTRE ROMA PER ET DA ISTANBUL-DAMASCO-TEHERAN-KARACHI ET BOMBAY SERVIZIO LINEA SOCIETA' PAN AMERICAN PA. 110/111 PERIOLO 1 LUGLIO 28 OTTOBRE 1978 PUR RILASCIANDOSI APPROVAZIONE PER IMPIEGO AEREO MOBILE B.747 CAPACITA' UTILIZZABILE IN DETTI PERCORSI QUINTA LIBERTA' VIENE LIMITATA AT MEDESIMI LIVELLI OPERATI TRASCORSA STAGIONE ESTIVA 1977 ET CIOE' AT CAPACITA' VELIVOLO BV. 707 IMPIEGATO DURANTE STAGIONE ESTATE 1977. END TEXT.

6. BEGIN TEXT./ SECOND PARA OF MFA NOTE) SI FA TUTTAVIA PRESENTE CHE SUI PERCORSI DI QUINTA LIBERTA' OLTRE ROMA PER E DA ISTANBUL-DAMASCO-TEHERAN-KARACHI E BOMBAY DEL SERVIZIO DI LINEA DELLA SOCIETA' PAN AMERICAN - PA 110/111 - PER IL PERIODO 1 LUGLIO-28 OTTOBRE 1978, PUR RILASCIANDOSI L'APPROVAZIONE PER L'IMPIEGO DELL' AEROMOBILE B 747, LA CAPACITA'UTILIZZABILE IN DETTI PERCORSI DI QUINTA LIBERTA' VA LIMITATA AI MEDESIMI LIVELLI OPERATI LA TRASCORSA STAGIONE ESTIVA 1977 E CIOE' ALLA CAPACITA' DEL VELIVOLO B707 IMPIEGATO DURANTE L'ESTATE DEL 1977. END TEXT.

7. COMMENT. EMBASSY RECALLS THAT IN MFA NOTES IN 1977 AN ATTEMPT WAS MADE TO LIMIT U.S. FIFTH FREEDOM RIGHTS BEYOND ROME BY AUTHORIZING U.S. AIRLINES FEWER FREQUENCIES THAN THEY FILED THAT WOULD BE ALLOWED FIFTH FREEDOM RIGHTS. THE IMPLICATION SEEMED TO BE CLEAR THAT THE U.S. AIRLINES WOULD BE PERMITTED TO OPERATE ADDITIONAL FREQUENCIES BEYOND ROME, IF THEY SO DESIRED, WHICH WOULD NOT ENJOY FIFTH FREEDOM RIGHTS. THOSE EARLIER NOTES, THEREFORE, SEEMED TO TREAT FIFTH FREEDOM RIGHTS IN THE USUAL SENSE (I.E. PASSENGERS BOARDED AT AND CARRIED BETWEEN POINTS EAST OF ROME AND ROME). DESPITE DIFFERENT LANGUAGE USED IN PRESENT MFA NOTE AND VILAVIA TELEX, EMBASSY BELIEVES BEST U.S. POLICY PROBABLY IS TO INTERPRET THESE MESSAGES AS APPLYING LIMIT TO FIFTH FREEDOM TRAFFIC ONLY AS USUALLY DEFINED.

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8. ACTION REQUESTED: EMBASSY WOULD APPRECIATE COMMENT AND INSTRUCTION S.
GARDNER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIR SCHEDULES, NOTE VERBALE
Control Number: n/a
Copy: SINGLE
Draft Date: 12 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978ROME06733
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780158-0686
Format: TEL
From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780465/aaaacdjlj.tel
Line Count: 139
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2e2cd0b1-c288-dd11-92da-001cc4696bcc
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
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Reference: 78 STATE 520504, 78 STATE 24252, 78 ROME 4102
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Review Content Flags:
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SAS ID: 2993884
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: GOI ACCEPTS FINAL SUMMER SEASON SCHEDULE WITH QUALIFICATION
TAGS: EAIR, IT
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2e2cd0b1-c288-dd11-92da-001cc4696bcc
Review Markings:
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